

HON. BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SAFETY STAR, LLC, a Missouri limited
liability company,

Plaintiff,

vs.

APTIBYTE, LLC, a Washington limited
liability company,

Defendant.

No. 2:23-cv-01399-BHS

STIPULATED MOTION FOR AN
EXTENSION OF TIME FOR PLAINTIFF
TO FILE OPPOSITION TO
DEFENDANT'S MOTION FOR
JUDGMENT ON THE PLEADINGS
PURSUANT TO FED. R. CIV. P 12(c)

NOTE ON MOTION CALENDAR:
APRIL 11, 2024

**STIPULATED MOTION FOR AN EXTENSION OF TIME FOR PLAINTIFF TO FILE
OPPOSITION TO DEFENDANT'S MOTION FOR JUDGMENT ON THE
PLEADINGS PURSUANT TO FED. R. CIV. P 12(c)**

Defendant Aptibyte, LLC ("Aptibyte") filed its Motion for Judgement on the
Pleadings pursuant to FED. R. CIV. P 12(c) (Dkt. 22) ("Motion") on March 28, 2024.

Since that date, Plaintiff Safety Star, LLC's ("Safety Star") counsels withdrew from the
Stipulated Motion for an Extension of Time
for Plaintiff to file Opposition to Defendant's Motion for Judgement
on the Pleadings pursuant to FED. R. CIV. P 12(c)

1 case and Timothy Billick and TBillick Law PLLC were substituted to appear on behalf
2 of Plaintiff on March 29, 2024. (Dkt. 25 and 26.) The Court GRANTED the Stipulated
3 Motion for Substitution of Counsel on April 1, 2024. (Dkt. 27.)

4 Good cause exists for this extension under Fed. R. Civ. P. 16 and Local Civil Rule
5 16(b)(6). This case has been the product of unfortunate mistakes made by prior counsel
6 and has an atypical procedural history. To afford new counsel additional time to
7 address the important issues raised Aptibyte's Motion, and hopefully clarify some of
8 the issues, Safety Star respectfully requests a modest one-week extension of the briefing
9 schedule.
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12 No prejudice exists to Defendant, for its counsel has consented to this extension
13 and Safety Star's counsel has agreed to a corresponding one-week extension of the
14 deadline for Aptibyte's reply on its Motion. Any annoyance or prejudice to this Court is
15 expected to be minimal as well, given the briefing schedule does not impact the case
16 schedule and will not impact the Court's hearing calendar. Plaintiff has moved
17 diligently for this request, for it sought this stipulation on the morning of Thursday
18 April 11, several days before the deadline of Monday April 15.
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20 Therefore, the parties respectfully request that the Court extend the deadline for
21
22 (1) Safety Star to file an Opposition to the Defendant's Motion for Judgement on the
23 Pleadings pursuant to FED. R. CIV. P 12(c) to Monday, April 22, 2024, and
24 (2) Defendant's reply to the new Noting Date of Friday, May 3, 2024.
25

26 Dated: April 11, 2024.
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Stipulated Motion for an Extension of Time
for Plaintiff to file Opposition to Defendant's Motion for Judgement
on the Pleadings pursuant to FED. R. CIV. P 12(c)

1 SO STIPULATED AND AGREED TO BY:

2 FOCAL PLLC

TBillick Law® PLLC

3 /s/ Stacia N. Lay

/s/ Tim J. Billick

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Attorney for Plaintiff Safety Star, LLC

11 Attorneys for Defendant Aptibyte, LLC

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Stipulated Motion for an Extension of Time
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